

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FALKON TREASURES LLC,

*Plaintiff,*

v.

ADIDAS AMERICA, INC.,

*Defendant.*

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Case No. 2:16-CV-00653-JRG-RSP

**ORDER**

Before the Court is the Report and Recommendation filed by Magistrate Judge Payne on December 26, 2016 (Dkt. No. 35) recommending that motions to dismiss filed by Defendants Burlington Coat Factory Direct Corporation (Dkt. No. 15), Adidas America, Inc. (Dkt. No. 20), and Limited Stores, LLC (Dkt. No. 22) be granted. Judge Payne found that the patent claims asserted by Plaintiff Falcon Treasures LLC (“Falcon”) fail to recite patentable subject-matter under 35 U.S.C. § 101, and thus Falcon had failed to state a cognizable claim under Rule 12(b)(6). Dkt. No. 35. Having considered the objections to Judge Payne’s Report and Recommendation filed by Falcon and finding them to be without sufficient merit, the Report and Recommendation is **ADOPTED**.

The motions to dismiss filed by Defendants Burlington Coat Factory Direct Corporation (Dkt. No. 15), Adidas America, Inc. (Dkt. No. 20), and Limited Stores, LLC (Dkt. No. 22) are **GRANTED**, and Falcon’s Complaints are hereby **DISMISSED**. A separate Order entering Final Judgment will follow. *See* Fed. R. Civ. Proc. 58(a).

**So ORDERED and SIGNED this 17th day of April, 2017.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE